

OFFICIAL COPY

Fresno, California

July 25, 2006

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Cynthia Sterling	Councilmember
	Jerry Duncan	Council President
Absent:	Henry Perea	Acting Council President (out of town/schooling)
	Larry Westerlund	Councilmember (out of town/Naval duty obligation)

Andy Souza, City Manager
 James Sanchez, City Attorney
 Becky Klisch, City Clerk
 Yolanda Salazar, Assistant City Clerk

Reverend Lewis of the Rising Star Missionary Baptist Church gave the invocation, and Councilmember Sterling led the Pledge of Allegiance.

PROCLAMATION OF NEIGHBORS IN HEALTH DAY - COUNCILMEMBER STERLING

PROCLAMATION OF MARILYN JOST DAY - COUNCILMEMBER DAGES

The above proclamations were read and presented.

APPROVE CITY COUNCIL MINUTES OF JULY 17, 18 AND 20, 2006

On motion of Councilmember Councilmember Sterling, seconded by President Duncan, duly carried, RESOLVED, the minutes of July 17, 18 and 20, 2006, approved as submitted.

APPROVE FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY (FRFFA) MINUTES OF JULY 18, 2006

On motion of Member Sterling, seconded by Chair Duncan, duly carried, RESOLVED, the FRFFA minutes of July 18, 2006, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER BOYAJIAN - Commendation to (1) Gay Amend for her leadership and work in the monthly Tower District clean up event and Community Sanitation Supervisor Weathers and staff for all their work; and (2) the Echo/McKinley neighborhood residents on their 11th annual sunflower event and his staff for their assistance.

COUNCILMEMBER DAGES - Commendation to (1) CS Supervisor Weathers and staff and the Cruise Control Committee for the clean up work on Kings Canyon Boulevard, and Public Utilities Director Ramirez and Manager Anderson for preparing/organizing a meeting held with Huntington/Peach residents on the sewer line issue; and (2) request staff look into construction issues/delays at First and Tulare due to access and impact to Fiesta Foods supermarket.

COUNCILMEMBER STERLING - Concurrence with, and reinforcement of, Mayor's press conference comments on the current heat situation and encouragement to all in need of assistance to utilize the cooling centers located throughout the city and call 621-HEAT for rides if needed.

148-21

7/25/06

COUNCILMEMBER BOYAJIAN - Commendation to public works staff on the McKinley/Weber/Clinton/West neighborhood construction and addressing irrigation issues.

PRESIDENT DUNCAN - Commendation to City Manager Souza and staff on the District 1 candidate orientation meeting held recently.

APPROVE AGENDA:

(10:00 A.M. #2) CONTINUED HEARING ON R-05-61 AND ENVIRONMENTAL FINDINGS FILED BY CENTEX HOMES ON BEHALF OF DAMRONG AND SOMLUCK PATTANUMOTANA AND AHMED KHALED, SOUTHWEST CORNER OF N. LOCAN AND E. SHIELDS AVENUES

1. ADOPT E.A. NO. R-05-61/T-5592/C-05-187, FINDING OF GENERAL PLAN CONFORMITY

2. BILL - AMENDING THE OFFICIAL ZONE MAP

(Request to continue to August 29, 2006, at 10:00 a.m.)

Continued as requested.

(10:30 A.M.) HEARING ON LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 AND INTENT TO LEVY THE ANNUAL ASSESSMENT

(Continue to August 15, 2006, at 10:15 a.m.)

Continued as noted.

(1-Q) RESOLUTION - 1ST AMENDMENT TO SALARY RES. 2006-257 INCREASING THE STIPEND FOR PLANNING COMMISSIONERS FROM \$50 TO \$75

Removed from the agenda by staff.

(4:00 P.M.) 2006 CYCLE I TRIMESTER PLAN AMENDMENT HEARING:

("H") CONSIDER PLAN AMENDMENT NO. A-05-27, REZONE APPLICATION NO. R-05-125, AND ENVIRONMENTAL FINDINGS, FILED BY GRAHAM DEVELOPMENT, SOUTH SIDE OF W. NEES BETWEEN N. PALM AND N. INGRAM AVENUES

1. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-27/R-05-125

2. RESOLUTION - AMENDING THE FRESNO GENERAL PLAN AND BULLARD COMMUNITY PLAN

3. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-1/cz TO C-M/cz

Continued to August 15, 2006, at 2:50 p.m. at the request of the applicant.

(10:00 A.M. #1-A-3) APPEARANCE BY SUSAN ELAINE SMITH TO DISCUSS VARIOUS ISSUES RELATING TO LAIDLAW/HANDY RIDE

City Clerk Klisch clarified Ms. Smith would be discussing issues relating to *MV TRANSPORTATION*. So noted and corrected.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Sterling, Duncan
Noes	:	None
Absent	:	Perea, Westerlund

President Duncan noted for the record Acting President Perea was still away at school in Massachusetts and Councilmember Westerlund was serving his active Naval duty obligation.

148-22

7/25/06

ADOPT CONSENT CALENDAR:

John E. Mitchell, 439 N. Chestnut, and Eric Wardwell, 467 N. San Pablo, spoke in opposition to Item **1-T**.

Barbara Hunt, 2475 S. Walnut, expressed concerns with Item **1-C**, spoke in general to Item **1-L**, spoke to expansion issues on Item **1-O**, and spoke to Item **1-M** and the planning & development director's role/capacity.

Jacky Parks, on behalf of FPOA, spoke in support of Item **1-A** and thanked City Manager Souza, Assistant City Manager Rudd, Ken Phillips and Chief Dyer for resolution with the MOU.

Paul H. Garcia spoke to Item **1-T**.

Councilmember Calhoun pulled Items **1-K**, **1-L**, **1-O** and **1-P** from the Consent Calendar for separate discussion/action, and registered a "No" vote on Item **1-T**.

Councilmember Boyajian registered an "abstention" on Item **1-A** and "No" votes on Items **1-O** and **1-P**.

President Duncan registered a "No" vote on Item **1-S**.

(1-B) ADOPT THE MEMORANDUM OF UNDERSTANDING WITH THE CITY OF FRESNO MANAGEMENT EMPLOYEES ASSOCIATION (UNIT 14) COVERING THE PERIOD JULY 1, 2006, THROUGH JUNE 30, 2010

1. RESOLUTION NO 2006-353 - 3RD AMENDMENT TO SALARY RES. 2006-257 AMENDING EXHIBIT 2, SECTION 2.3, MANAGEMENT CONFIDENTIAL CLASSES (CFMEA)

(1-C) APPROVE AN AGRICULTURAL LEASE WITH STEPHEN AND ANALISA ENGLAND, HUSBAND AND WIFE, AT THE LEASE RATE OF \$60/ACRE FOR 125 ACRES, AND AUTHORIZE THE ASSISTANT DIRECTOR OF PUBLIC UTILITIES, WASTEWATER MANAGEMENT, TO EXECUTE THE LEASE AGREEMENT AND SUBSEQUENT EXTENSIONS ON BEHALF OF THE CITY

(1-D) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO KEMIRON COMPANIES, IN THE AMOUNT OF \$854,676.11 TO PROVIDE FERRIC CHLORIDE (BULK DELIVERY)

(1-E) RESOLUTION NO. 2006-354 - INTENT TO ANNEX FINAL TRACT NOS. 5427 AND 5686 TO CFD NO. 2, ANNEXATION NO. 131, AND SETTING THE PUBLIC HEARING FOR AUGUST 29, 2006

(1-F) APPROVE A JOINT AGREEMENT WITH THE CITY OF CLOVIS FOR CONSTRUCTION OF INTERSECTION IMPROVEMENTS AT WILLOW AND SHEPHERD AVENUES, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO SIGN THE JOINT AGREEMENT ON BEHALF OF THE CITY

(1-G) - ITEM REMOVED FROM THE AGENDA)

(1-H) APPROVE AMENDMENT NO. 1 TO THE AGREEMENT WITH CARTER BURGESS, INC., IN THE AMOUNT OF \$1,899,920 FOR THE NEXT PHASE OF PROFESSIONAL CONSULTING SERVICES FOR THE DESIGN AND DEVELOPMENT OF A CONSOLIDATED RENTAL CAR FACILITY AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT

(1-I) AUTHORIZE THE DIRECTOR OF AVIATION TO SIGN AMENDMENT NO. 2 TO THE CONSULTING SERVICES AGREEMENT WITH DALE RUTHERFORD, AIA, ON BEHALF OF THE CITY, IN THE AMOUNT OF \$12,600, FOR THE ACOUSTIC TREATMENT OF 5 HOMES UNDER THE SMART PROGRAM

(1-J) AWARD A CONTRACT TO OSHKOSH TRUCK CORPORATION FOR THE PROCUREMENT OF ONE 3,000 GALLON AIRCRAFT RESCUE AND FIREFIGHTING VEHICLE FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT - FAA AIP GRANT

(1-M) RESOLUTION NO. 2006-355 - APPROVING THE FINAL MAP OF TRACT NO. 5357 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, NORTHEAST CORNER OF W. BULLARD AND N. GRANTLAND AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR, PUBLIC UTILITIES DIRECTOR AND PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

148-23

7/25/06

2. **RESOLUTION NO. 2006-356** - 1ST AMENDMENT TO AAR 2006-253 APPROPRIATING \$132,600 IN DEVELOPER CONTRIBUTIONS FOR RIGHT-OF-WAY ACQUISITION COSTS RELATED TO TRACT NO. 5357 AS SUBMITTED BY GRANVILLE HOMES

(1-N) **RESOLUTION NO. 2006-357** - APPROVING THE FINAL MAP OF TRACT NO. 5169 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, SOUTH SIDE OF W. MCKINLEY BETWEEN N. POLK AND N. CORNELIA AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR AND THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

2. **RESOLUTION NO. 2006-358** - DEDICATING CERTAIN CITY-OWNED PROPERTY AS AN EASEMENT FOR PUBLIC STREET PURPOSES

(1-R) DESIGNATION OF CITY MANAGER SOUZA AS VOTING DELEGATE AND COUNCILMEMBER WESTERLUND AS VOTING ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING ON SEPTEMBER 9, 2006

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Sterling, Duncan
Noes :	None
Absent :	Perea, Westerlund

(1-A) ADOPT THE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE FRESNO POLICE OFFICERS ASSOCIATION (NON-SUPERVISORY POLICE - UNIT 4) COVERING THE PERIOD JULY 1, 2006, THROUGH JUNE 30, 2009

1. **RESOLUTION NO. 2006-352** - 2ND AMENDMENT TO SALARY RES. 2006-257 AMENDING EXHIBIT 4, NON-SUPERVISORY POLICE (FPOA)

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **Item 1-A** hereby adopted, by the following vote:

Ayes :	Calhoun, Dages, Sterling, Duncan
Noes :	None
Absent :	Perea, Westerlund
Abstain :	Boyajian

(1-S) **BILL NO. B-103** - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE STATUS OF DOMESTIC PARTNERS

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Bill No. B-103 introduced before the City Council and laid over, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Sterling
Noes :	Duncan
Absent :	Perea, Westerlund

(1-T) **BILL NO. B-91 - ORDINANCE NO. 2006-100** - REPEALING ORDINANCE NO. 2000-49 AND ADOPTING ORDINANCE SETTING FORTH THE COMPENSATION OF CITY ELECTIVE OFFICERS (CITY COUNCIL AND MAYOR)

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Bill No. B-91 adopted as Ordinance No. 2006-100, by the following vote:

Ayes :	Boyajian, Dages, Sterling, Duncan
Noes :	Calhoun

Absent : Perea, Westerlund

(10:00 A.M. #1) PUBLIC COMMENT PERIOD - SCHEDULED COMMUNICATION:

148-24

7/25/06

1. APPEARANCE BY RUTHIE TAYLOR TO DISCUSS A TREE IN FRONT OF HER HOUSE LOCATED AT 1403 E. JENSEN

Appearance made/matter resolved.

2. APPEARANCE BY DEBBIE NALCHAJIAN-COHEN, FRESNO FAIR COMMUNICATIONS DIRECTOR, TO REQUEST COUNCIL PARTICIPATE IN THE FRESNO COUNTY SESQUICENTENNIAL CELEBRATION DURING THE BIG FRESNO FAIR

Appearance/request made **(2 - 0)**, with Councilmembers Boyajian, Dages and Sterling responding.

3. APPEARANCE BY SUSAN ELAINE SMITH TO DISCUSS VARIOUS ISSUES RELATING TO MV TRANSPORTATION

Appearance made with Assistant City Manager Rudd, Councilmember Sterling, and Mr. Siragusa of MV Transportation responding to issues and concerns.

UNSCHEDULED COMMUNICATION:

Barbara Hunt, 2475 S. Walnut, spoke to Council duties and salaries, to Southwest Fresno boundaries, to property for the Running Horse project, to the West Fresno School District, and to the City/County Master Settlement Agreement.

Ed Echols spoke in opposition to an upcoming rezone project at Fulton and Voorman Streets.

CONTESTED CONSENT CALENDAR:

(1-K) REJECT ALL BIDS FOR A REQUIREMENTS CONTRACT (BID COOPERATIVELY WITH OTHER LOCAL AGENCIES) FOR AFTER-MARKET AUTOMOTIVE PARTS BECAUSE THE BIDS SUBMITTED DID NOT COMPLY WITH THE REQUIRED SPECIFICATIONS

Councilmember Calhoun clarified what was at issue and presented questions/comments relative to why this was going back to the County, if their system was better than the City's, if some of their policies could be adopted, if sending this back to the County was a legitimate issue, and if this would cause any serious delays, with Purchasing Manager Smith responding throughout. Councilmember Calhoun encouraged staff to use what went on here and look at improving the process adding if someone is doing something well the City should do it.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, all bids received for after-market automotive parts hereby rejected as recommended, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Duncan
 Noes : None
 Absent : Perea, Westerlund

(1-L) RESOLUTION NO. 2006-359 - AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT FOR AN ENTERPRISE ZONE DESIGNATION FOR THE CITY OF FRESNO, AND AUTHORIZE STAFF TO EXECUTE ANY NECESSARY DOCUMENTS AND AGREEMENT FOR DESIGNATION THEREUNDER

Economic Development Analyst Trevino responded briefly to questions of Councilmember Calhoun relative to how the boundaries were determined.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2006-359 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Duncan
 Noes : None
 Absent : Perea, Westerlund

148-25

7/25/06

(1-O) CONSIDER THE PROPOSED KINGS CANYON-MINNEWAWA NO. 3 REORGANIZATION

1. AFFIRM COUNCIL ACTION OF AUGUST 23, 2005, ADOPTING THE ENVIRONMENTAL FINDING OF E.A. NO. R-04-64/T-5387/C-04-170, DATED JUNE 29, 2005, THAT THE PROJECT PROPOSAL CONFORMS TO PROVISIONS OF THE GENERAL PLAN MEIR

2. RESOLUTION NO. 2006-360 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED KINGS CANYON-MINNEWAWA NO. 3 REORGANIZATION

Councilmember Calhoun stated his concern related to the street impact fees and he was not prepared to approve this if this would start the clock and the land, if incorporated, would miss out on the appropriate fees. City Attorney Sanchez briefly explained the background of the street impact fee issue and stated options to capture the fee for maps that have been filed was limited but clarified this was an annexation request and an independent legislative action, and recommended the matter be laid over to the next meeting so his office could report back with options to address trying to capture the impact fees. Councilmember Calhoun stated he saw no reason to rush this without knowing for sure if the land would be subject to the street fees and he wanted this delayed until the street impact fee issue was resolved, whether that be in August or October, whereupon Mr. Sanchez clarified law required projects moving forward on a legal path not be unduly delayed and again recommended continuing the matter to the next meeting for legal options on whether or not a condition can be imposed. Councilmember Calhoun stated the fees were extremely important and he was loath to approve anything that would dodge the bullet of having to pay for itself, and made a motion to lay the matter over to August 15th for a report back from the City Attorney, which motion was seconded by Councilmember Boyajian who noted he earlier registered a "no" vote on this matter.

Councilmember Dages stated he would never approve holding this matter hostage, stated it was not even known if a street impact fee would be approved, stressed this was a moratorium and action of this type would end up in a court of law **(3 - 0)** and further elaborated, and stated he disagreed with the City Attorney and he would never support this type of anti-business motion.

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to table the matter to August 15, 2006, to allow the City Attorney to report back with legal options relative to trying to capture new street impact fee failed, by the following vote:

Ayes : Boyajian, Calhoun
 Noes : Dages, Sterling, Duncan
 Absent : Perea, Westerlund

On motion of Councilmember Dages, seconded by President Duncan, duly carried, RESOLVED, the City Council action of August 23, 2005, adopting the environmental finding for the above E.A. hereby affirmed, and the above entitled Resolution No. 2006-359 hereby adopted, by the following vote:

Ayes : Dages, Sterling, Duncan
 Noes : Boyajian, Calhoun
 Absent : Perea, Westerlund

(1-P) CONSIDER THE PROPOSED KINGS CANYON-MINNEWAWA NO. 3B REORGANIZATION

1. AFFIRM COUNCIL ACTION OF APRIL 4, 2006, ADOPTING THE ENVIRONMENTAL FINDINGS OF E.A. NO. A-05-35/R-05-35/C-05-114, DATED SEPTEMBER 8, 2005, AND E.A. NO. R-05-22/T-5449, DATED SEPTEMBER 29, 2005, CONFORMING TO THE PROVISIONS OF THE GENERAL PLAN MEIR

2. RESOLUTION NO. 2006-360 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED KINGS CANYON-MINNEWAWA NO. 3B REORGANIZATION

Councilmember Calhoun stated his same arguments from the prior item applied, stated this was a city that was hell bent on development that does not pay for itself and elaborated and expressed his concern, and made a motion to table this matter to August 15th.

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to table the matter to August 15, 2006, to allow the City Attorney to report back with legal options relative to trying to capture new street impact fee failed, by the following vote:

Ayes : Boyajian, Calhoun
 Noes : Dages, Sterling, Duncan
 Absent : Perea, Westerlund

148-26

7/25/06

Councilmember Boyajian stated just two months into his term he was saying development was not paying for itself adding he knew nothing about CEQA at that time and all one had to do was look around, and stressed Council needed to represent the people, fees were needed to mitigate impacts, there was no smart growth in this city, and a plan was needed so development could pay its way and further elaborated.

Upon question of President Duncan, Mr. Sanchez confirmed annexation of this property into the city of Fresno was a separate legislative act from any fees, rezoning issues or fees that will be applied.

On motion of Councilmember Dages, seconded by President Duncan, duly carried, RESOLVED, the City Council action of April 4, 2006, adopting the environmental finding of a mitigated negative declaration for the above E.A. hereby affirmed, and the above entitled Resolution No. 2006-360 hereby adopted, by the following vote:

Ayes : Dages, Sterling, Duncan
 Noes : Boyajian, Calhoun
 Absent : Perea, Westerlund

(10:35 A.M.) HEARING ON TEXT AMENDMENT APPLICATION NO. TA-06-01 - AMENDING THE TEXT OF THE FMC ZONING ORDINANCE REGARDING RECONSTRUCTION OF NON-CONFORMING RESIDENTIAL BUILDINGS IN AN INDUSTRIAL ZONE DISTRICT

1. BILL NO. B-90 - ORDINANCE NO. 2006-101 - ADOPTING T.A. APPLICATION NO. TA-06-01 RELATING TO THE RECONSTRUCTION OF A RESIDENTIAL BUILDING IN AN INDUSTRIAL ZONE IF THE PROPERTY IS PLANNED FOR RESIDENTIAL LAND USES

President Duncan announced the time had arrived to consider the issue and opened the hearing.

Planner Stiglich reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

Mr. Stiglich responded briefly to questions of Councilmember Boyajian relative to whether this was a common issue causing problems and if there were options to build something other than a house.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the environmental finding of No Possibility of Significant Environmental Effect prepared for this project hereby approved, and the above entitled Bill No. B-90 adopted as Ordinance No. 1006-101, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Duncan
 Noes : None
 Absent : Perea, Westerlund

(10:45 A.M.) BILL - AMENDING THE FRESNO MUNICIPAL CODE REQUIRING INDUSTRIAL, COMMERCIAL AND MULTI-FAMILY PROPERTIES TO REMOVE GRAFFITI WITHIN 24 HOURS OF ITS APPEARANCE

Assistant City Manager Rudd spoke to the background of the issue and reviewed the proposed ordinance bill, all as contained in the staff report as submitted.

Speaking to the issue were: Paul H. Garcia, 2336 S. Jackson, President/Founder of Concerned Citizens of Calwa, support; Eric Wardwell, who spoke to his graffiti removal work and the need to address dumpsters; Barbara Hunt, who stated solid waste enterprise should pay for the removal; and Debbie Nard, NW Neighborhood Watch Chair, 3550 W. Spruce, who stated there was no enforcement against the perpetrators and asked that no punitive measures be taken against business owners until a way is found to punish perpetrators.

148-27

7/25/06

Lengthy discussion ensued. Councilmember Calhoun read the code section relative to Aiding or Abetting Graffiti Prohibited/violations/fines and stated a punishment mechanism was in place but it was generally ignored, stated what was being proposed by staff probably made sense and commended staff on the process they were undertaking, noted he has been in communication and met with the police department and stated very little or nothing was being done with those who are caught and explained, and stated he would not approve any more new positions or the expenditure of any more money until he is sure the people being caught are punished appropriately. Councilmember Dages stated a lot of people were missing the point, a new ordinance was not being created, and at issue was the time being changed from 48 hours to 24 hours and added along the way business owners got caught up in this and they will now be charged; stated enforcement was occurring as he receives monthly statistics on the number of individuals caught and their fines/punishment; stated he has been using the existing ordinance for the last 12 years, it was working, and he did not like changing the time line and charging business owners and explained; and presented questions relative to what the cost will be to business owners, what enforcement measures were being taken, and if this ordinance would apply to other governmental entities like Fresno Unified, with Mr. Rudd, Deputy Chief Nevarez and City Attorney Sanchez responding throughout. Councilmember Boyajian stated he liked the exemptions for the glass etchings and stated there had to be a mechanism to assist business owners in that regard such as insurance, and presented questions and comments relative to why informational workshops for business owners could not be held here at City Hall, number of people arrested annually and percentage punished, the graffiti problem in his district (**4 - 0**), reason for the change from 48 to 24 hours, and need to hear from businesses on the 24 hour provision, with Mr. Rudd and Deputy Chief Nevarez responding. Councilmember Sterling stated this was an important issue to all, concurred with Ms. Hunt's comment that the city was under siege and added the problem had to be addressed as such, stated the 24 hour provision was aggressive and recommended time be taken to address each business and ask them how the City can help; requested staff work with Mr. Wardwell; and stated 24 hours was a short period of time but she understood where staff was trying to go and added she hoped there would be some flexibility, and stated she would cautiously support this. President Duncan stated his concern was making the victims pay for something that was not their fault, emphasized they are the victims and added he saw this as nothing more than an avenue to raise money, stated the current process worked and he felt the changes would make things worse, stated this would manifest itself primarily in the inner city where business are already challenged, and stated the perpetrators needed to be held accountable and encouraged staff to work with the District Attorney's office to prosecute the "thugs" and/or make parents pay.

A motion of Councilmember Sterling to introduce the ordinance bill died for lack of a second and there was no further discussion.

LUNCH RECESS - 12:51 P.M. - 4:01 P.M.

(2-A) POVERTY TASK FORCE CONSIDERATION OF A FRESNO LOCAL EARNED INCOME TAX CREDIT - COUNCILMEMBER CALHOUN

Councilmember Calhoun read his report to Council into the record, explained what the Earned Income Tax Credit (EITC) was and stated many people do not know about this program, and stated he felt the Poverty Task Force was a place for this program to be discussed and recommended the task force consider whether a local EITC might help address Fresno's poverty challenges.

Councilmember Sterling stated she wished Councilmember Calhoun had brought this matter to her first as the representative of an area that was already working on the poverty issue, elaborated at length on what the task force has been doing, and stated the Poverty Task Force was alive and well, they would be glad to help Councilmember Calhoun facilitate his concerns as related to local earned income tax credits as they probably had the information needed, and invited Councilmember Calhoun to attend the various summits and meetings that will be held and not reestablish another committee.

Councilmember Boyajian stated Fresno is recognized as a poverty center by the federal government, noted they send money every year to the City called CDBG money and instead of the City trying to alleviate poverty with those funds they are given to the police department, stated it seems like the police department is a priority over the poor, and stated this was like putting a band aid over skin cancer and if the City really wanted to take care of poverty they would use CDBG funds. Councilmember Sterling clarified she was very

supportive of public safety and elaborated **(5 - 0)**, and concurred CDBG funds were meant for impoverished areas and the City needed to reevaluate the use of those funds.

Councilmember Calhoun stated comments made covered everything but the EITC, stated seven members endorsed the idea of a Poverty Task Force and he did not remember that it would be run, coordinated and operated by District 3, stated he also had impoverished areas in his district just as the entire city did, and stated he thought this matter was fairly simple and he did not know the conversation would go in this direction but his colleague took it there and questioned if staff had anything to do with the task force and what the process was, with City

148-28

7/25/06

Manager Souza responding. Councilmember Calhoun stated this might be premature and he may need to withdraw this matter but stated Council needed a report from someone on the makeup of the task force, what its' mission was, where it was going, and how Councilmembers or the public could submit suggestions or ideas to the task force stating he felt very much on the defensive and withdrew the matter and suggested staff provide clarification on whether there was a Poverty Task Force and what Council's role was with it. There was no further discussion.

(4:00 P.M.) 2006 CYCLE I TRIMESTER PLAN AMENDMENT HEARINGS:

President Duncan announced the time had arrived to consider the issue and opened the hearing.

Planner Sanchez gave a PowerPoint presentation on the issue and on each of the following plan amendment applications, all as contained in the staff reports as submitted, recommended approval of all, and noted one application, Item "H", was continued earlier in the meeting to August 15th.

("A") CONSIDER PLAN AMENDMENT NO. A-05-16, REZONE APPLICATION NO. R-05-114, AND ENVIRONMENTAL FINDINGS FILED BY ORLONZO HEDRINGTON, NORTHEAST CORNER OF W. CALIFORNIA AND S. CRYSTAL AVENUES

1. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-16/R-05-114
2. **RESOLUTION NO. 2006-362-** AMENDING THE FRESNO GENERAL PLAN AND EDISON COMMUNITY PLAN
3. **BILL NO. B-104 - ORDINANCE NO. 2006-102 -** AMENDING THE FRESNO -CHANDLER DOWNTOWN AIRPORT PLAN
4. **BILL NO. B-105 - ORDINANCE NO. 2006-103 -** AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20 TO R-1/UGM/cz

Upon call, no one wished to be heard and President Duncan closed the hearing.

Councilmember Sterling advised she met with the applicant and he was in agreement and made a motion to approve staff's recommendation.

Mr. Sanchez and Councilmember Sterling responded to questions of Councilmember Boyajian relative to whether this would be an affordable housing project, price of homes, if this was previously a school site, and if there were no environmental impacts.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, **RESOLVED**, the finding of a Mitigated Negative Declaration for the above E.A. dated May 18, 2006, hereby approved, the above entitled Resolution No. 2006-362 hereby adopted, and the above entitled Bill Nos. B-104 and B-105 adopted as Ordinance Nos. 2006-102 and 2006-103 respectively, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Sterling, Duncan
Noes :	None
Absent :	Perea, Westerlund

("B") CONSIDER PLAN AMENDMENT NO. A-05-17, REZONE APPLICATION NO. R-05-115, AND ENVIRONMENTAL FINDINGS, FILED BY D.R. HORTON, INC., SOUTHERLY SIDE OF N. FIGARDEN DRIVE BETWEEN N. GATES AND N. SALINAS

1. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-17/R-05-115
2. **RESOLUTION NO. 2006-363 -** AMENDING THE FRESNO GENERAL PLAN AND BULLARD COMMUNITY PLAN
3. **BILL NO. B-106 - ORDINANCE NO. 2006-104 -** AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-P/BA-20/UGM TO R-1/BA-20/UGM

Upon call, no one wished to be heard and President Duncan closed the hearing.

Councilmember Calhoun complimented staff and the development community on how the densities were developing/increasing stating that was the direction of the general plan, and stated this property was also designated for a school like the previous matter but Fresno Unified had no interest in it and made a motion to approve staff's recommendation.

Mr. Sanchez and Assistant Traffic Engineering Manager Jones responded to questions of Councilmember Boyajian relative to what mitigation measures were applied to the project, signalization at specific locations, and if the mitigation was for traffic signalization, housing, or the school.

148-29

7/25/06

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the above E.A. dated June 22, 2006, hereby approved, the above entitled Resolution No. 2006-363 hereby adopted, and the above entitled Bill No. B-106 adopted as Ordinance No. 2006-104, by the following vote:

Ayes : Calhoun, Dages, Sterling, Duncan
 Noes : Boyajian
 Absent : Perea, Westerlund

("C") CONSIDER PLAN AMENDMENT NO. A-05-19, REZONE APPLICATION NO. R-05-117, AND ENVIRONMENTAL FINDINGS, FILED BY TRICIA V. LYSUWAN, NORTHWEST CORNER OF E. OLIVE AVENUE AND N. EIGHTH STREET

1. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-19/R-05-117
2. **RESOLUTION NO. 2006-364** - AMENDING THE FRESNO GENERAL PLAN AND ROOSEVELT COMMUNITY PLAN
3. **BILL NO. B-107 - ORDINANCE NO. 2006-105** - AMENDING THE YOSEMITE SCHOOL AREA SPECIFIC PLAN
4. **BILL NO. B-108 - ORDINANCE NO. 2006-106** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20 TO R-1/UGM

Upon call, no one wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the above E.A. dated June 22, 2006, hereby approved, the above entitled Resolution No. 2006-364 hereby adopted, and the above entitled Bill Nos. B-107 and B-108 adopted as Ordinance Nos. 2006-105 and 2006-106 respectively, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Duncan
 Noes : None
 Absent : Perea, Westerlund

("D") CONSIDER PLAN AMENDMENT NO. A-05-20, REZONE APPLICATION NO. R-05-118, AND ENVIRONMENTAL FINDINGS, FILED BY KEO VAHN AND JAIME MARQUEZ, NORTHWEST CORNER OF N. FRESNO STREET AND E. OLIVE AVENUE

1. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-20/R-05-118
2. **RESOLUTION NO. 2006-365** - AMENDING THE FRESNO GENERAL PLAN AND FRESNO HIGH-ROEDING COMMUNITY PLAN
3. **BILL NO. B-109 - ORDINANCE NO. 2006-107** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1 AND C-5 TO C-6

Upon call, no one wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the above E.A. dated June 22, 2006, hereby approved, the above entitled Resolution No. 2006-365 hereby adopted, and the above entitled Bill No. B-109 adopted as Ordinance No. 2006-107, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Duncan
 Noes : None
 Absent : Perea, Westerlund

("E") CONSIDER PLAN AMENDMENT NO. A-05-23, REZONE APPLICATION NO. R-05-121, AND ENVIRONMENTAL FINDINGS, FILED BY CASE LAWRENCE OF LAWRENCE VENTURES, LLC, NORTHWEST CORNER OF N. MAPLE AND E. SHEPHERD AVENUE BETWEEN E. SHEPHERD AND E. PERRIN AVENUES

1. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-23/R-05-121/C-06-138

2. **RESOLUTION NO. 2006-366** - AMENDING THE FRESNO GENERAL PLAN AND FRESNO HIGH-ROEDING COMMUNITY PLAN

3. **BILL NO. B-110 - ORDINANCE NO. 2006-108** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1 AND C-5 TO C-6

President Duncan spoke briefly to the project and made a motion to approve staff's recommendation.

Upon call, no one wished to be heard and President Duncan closed the hearing.

148-30

7/25/06

On motion of President Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the above E.A. dated June 22, 2006, hereby approved, the above entitled Resolution No. 2006-366 hereby adopted, and the above entitled Bill No. B-110 adopted as Ordinance No. 2006-108, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Duncan
 Noes : None
 Absent : Perea, Westerlund

("F") CONSIDER PLAN AMENDMENT NO. A-05-24, REZONE APPLICATION NO. R-05-122, AND ENVIRONMENTAL FINDINGS, FILED BY THE McCAFFREY GROUP, SOUTHEAST CORNER OF W. SIERRA AND N. POLK AND ON THE NORTH SIDE OF N. DANTE BETWEEN N. GENOA AND N. CARICA AVENUES

1. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-24/R-05-122/C-06-117/T-5755

2. **RESOLUTION NO. 2006-367** - AMENDING THE FRESNO GENERAL PLAN AND BULLARD COMMUNITY PLAN

3. **BILL NO. B-111 - ORDINANCE NO. 2006-109** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-1/UGM AND R-2/UGM TO R-2/UGM AND R-1/UGM

Speaking to the issue were: Scott Jobinger, 6428 N. Delbert, who stated he was supportive of the residential and spoke briefly to traffic issues and stated they would be addressed; and Gary Giannetta, Project Engineer for the McCaffrey Group, who spoke further to the rezone, the plan amendments, and the project, and confirmed traffic issues would be addressed.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

Councilmember Calhoun stated this was an interesting plan amendment and he would support it with a small proviso and elaborated, stated there had been real give and take with the neighbors and added this project made sense, and made a motion to approve staff's recommendation with the condition that the site plan and CUP return to the Planning Commission for a public hearing and input on the major concern of ingress/egress locations **(6 - 0)**.

Mr. Sanchez, Assistant Traffic Engineering Manager Jones, Mr. Giannetta and Councilmember Calhoun responded to questions of Councilmember Calhoun relative to whether the developer would be paying into signalization, signal locations, reference to Veteran's Boulevard and why the traffic study was based on the assumption that the boulevard would be up and about in 2025, if the developer would pay into Herndon/99 ramps, and if cumulative studies were conducted.

Relative to the motion, City Attorney Sanchez clarified the rezone dealt with site specific conditions and recommended the condition apply to the rezone.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the above E.A. dated June 22, 2006, hereby approved, the above entitled Resolution No. 2006-367 hereby adopted, and the above entitled Bill No. B-111 adopted as Ordinance No. 2006-109, as amended, adding the condition that the Site Plan and CUP return to the Planning Commission for a public hearing and input, by the following vote:

Ayes : Calhoun, Dages, Sterling, Duncan

Noes : Boyajian
Absent : Perea, Westerlund

("G") CONSIDER PLAN AMENDMENT NO. A-05-26, REZONE APPLICATION NO. R-05-124, AND ENVIRONMENTAL FINDINGS, FILED BY SOL DEVELOPMENT ASSOCIATES ON BEHALF OF BART E. RICHEY AND DONNA J. HOLSTEIN, CO-TRUSTEES OF THE RICHEY-HOLSTEIN FAMILY TRUST DATED NOVEMBER 17, 2005, SOUTH SIDE OF E. BLACKBEARD LANE BETWEEN N. WINERY AVENUE AND THE N. CHESTNUT AVENUE DIAGONAL

1. CONSIDER AND ADOPT THE MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-05-26/R-05-124
2. **RESOLUTION NO. 2006-368** - AMENDING THE FRESNO GENERAL PLAN AND McLANE COMMUNITY PLAN
3. **BILL NO. B-112 - ORDINANCE NO. 2006-110** - AMENDING THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AND ENVIRONS PLAN
4. **BILL NO. B-113 - ORDINANCE NO. 2006-111** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-1/cz TO C-M/cz

Al Solis, Sol Development Associates, on behalf of the applicants, spoke to the proposed use and requested approval.

148-31

7/25/06

Upon call, no one else wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the above E.A. dated May 31, 2006, hereby approved, the above entitled Resolution No. 2006-368 hereby adopted, and the above entitled Bill Nos. B-112 and B-113 adopted as Ordinance Nos. 2006-110 and 2006-111 respectively, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Sterling, Duncan
Noes : None
Absent : Perea, Westerlund

President Duncan gave a reminder of the special meeting on Monday, July 31, 2006, at 10:00 a.m. to consider FY 2007 budget related issues.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 5:26 p.m. having arrived and hearing no objections, President Duncan declared the meeting adjourned.

Approved on the ____15th____ day of ____August____, 2006.

_____/s/____ ATTEST:_____/s/____
Jerry Duncan, Council President Yolanda Salazar, Assistant City Clerk

148-32

7/25/06